

UNION TOWNSHIP – TOWNSHIP COMMITTEE
REGULAR MEETING

MAY 17, 2006

MINUTES

Mayor Rossi opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

Flag Salute

Roll Call - Present: Patricia Dziubek, Frank Mazza, Matt Mulhall and Bruce Rossi. J. Peter Jost, Esq., Township Attorney; R. C. Bogart, P.E., Township Engineer and K. Judith Fabian, Township Clerk, were also present.

Mr. Haynes arrived at 7:10 p.m.

APPROVAL OF MINUTES – Regular Meeting and Executive Session #1 and #2; 5/3/06; - Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to approve the Regular Meeting and Executive Session #1 and #2 Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Mazza*, Mr. Mulhall and Mr. Rossi. Motion carried.
*Mr. Mazza’s vote on Executive Session #2: abstain.

REPORTS RECEIVED – 1. Finance Officer; Claims Register	5/17/06
2. Recreation Committee; Minutes	3/21/06
3. Building Dept.; Summary	4/06

The following resolution was introduced for adoption:

**RESOLUTION
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Contract Negotiations and Potential Litigation.

Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION #2006-69
K. Hovnanian at Union Township II, LLC; Block 22, Lot 20; Milligan Farm**

BE IT RESOLVED that the Union Township Attorney is hereby authorized and instructed to send a letter to K. Hovnanian @ Union Township II LLC, pursuant to the Closing and Escrow Agreement dated January 30, 2006, requesting that K. Hovnanian remediate the arsenic condition at AOC-10 and the PAH at AOC-13 in such a way as to secure NFA letters from NJ DEP on these two (2) environmental issues and that they take whatever action is necessary to accomplish that on behalf of Union Township.

Motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

CORRESPONDENCE – NJ DOT Notice of Proceedings/Norfolk Southern RR, Jutland; meeting May 24th; Mr. Haynes, Mrs. Dziubek and Mr. Bogart will attend; - Mr. Mazza mentioned Exit 15 Rte. 78W will be closed for approximately 8 weeks; - Mr. Mulhall mentioned he will be working with Mary Beth Lonergan, PP, to finalize the COAH development fee ordinance.

OLD BUSINESS – 1. The following resolution was introduced for adoption:

**RESOLUTION #2006-70
2005 Audit Certification**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its' books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2005 has been filed by a Registered Municipal Accountant, with the Union Township Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Union Township Committee; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs, as per R.S.52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations", as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office".

NOW, THEREFORE, BE IT RESOVED, that the Township Committee of the Township of Union, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Recommendations were briefly discussed.

NEW BUSINESS – 1. Recreation Committee – Jim Teipel present from the Recreation Committee: Mr. Teipel mentioned the following: - the Recreation Committee has received positive feed back on the pavilion; - they need help with the dragging of the fields from May until June 20th; Finn Rd. Park would be 3x a week; - the fields need to be fertilized and an application of grub killer; - seed and dirt are needed at Millbrook Park; - the Recreation Committee has volunteered to open and close the Park from May until September 3rd.

Mr. Rossi suggested Mr. Teipel leave his list for the Township Committee to review; budgetary constraints need to be considered.

Mr. Haynes mentioned the following: - grub control has been addressed; - seeding of the bare spots at Millbrook will be done this Fall; - fertilization is standard procedure; - dragging of the fields is a scheduling issue for the Road Dept. and/or Mr. Castellano; 3x a week could be difficult.

2. The following resolution was introduced for adoption:

RESOLUTION #2006-71

**RESOLUTION ADJUSTING 2006-07 NORTH HUNTERDON-VOORHEES REGIONAL HIGH
SCHOOL DISTRICT SCHOOL BUDGET BY \$1,500,000 AND CERTIFYING THE TOTAL
AMOUNT OF \$43,789,154 TO BE RAISED BY TAXES**

WHEREAS, the proposed North Hunterdon-Voorhees RHSD Board of Education budget for General Fund expenses for the 2006-2007 was submitted to the voters of the District on April 18, 2006 in the total amount of \$45,289,154 to be raised by taxes; and

WHEREAS, North Hunterdon-Voorhees RHSD is a type II school district without a Board of School Estimate; and

WHEREAS, pursuant to N.J.S.18A:22-37, the defeated school budget was referred to the Union Township Committee for review; and

WHEREAS, the Union Township Committee has, pursuant to N.J.S.18A:22-37, consulted with the Board of Education on May 8, 2006; and

WHEREAS, the Union Township Committee has determined that certain adjustments in the General Fund expenses in the proposed budget are acceptable, appropriate and will reduce the amount by \$1,500,000 to be raised by local tax levy; and

WHEREAS, the Union Township Committee has determined that these adjustments will not impair the ability of the Board of Education to provide a thorough and efficient education and maintain stability for the students of the North Hunterdon-Voorhees RHSD;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, that the following adjustments to the 2006-07 NHVRHSD school budget for current expenses are determined:

CURRENT EXPENSE ACCOUNT NUMBER:	11-140-100-101
BUDGET CATEGORY:	Regular programs – Instruction
ACCOUNT DESCRIPTION:	Grade 9-12 Teaching Salaries
ITEM(S) TO BE ADJUSTED:	
AMOUNT IN PROPOSED ADVERTISED BUDGET:	\$13,775,883
ADJUSTMENT:	\$ 500,000
TOTAL ADJUSTED AMOUNT:	\$13,275,883
EXPLANATION OF ADJUSTMENT:	Reduction for anticipated turnover savings Due to retirements and resignations.

The second adjustment to the 2006-07 school year budget is to anticipate \$1,000,000 in fund balance from the 2005-06 school year budget and allot that reduction to tax relief.

ADJUSTMENT:	\$1,000,000 Budgeted Fund Balance line 1640 And 1660 Recapitulation of Balances
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BE IT FURTHER RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the Municipal Clerk is directed to certify by May 19, 2006 to the Hunterdon County Board of Taxation, the Hunterdon County Superintendent of Schools, the Union Township Tax Assessor, the State of New Jersey Division of Local Finance of the Department of the Treasury and the Board of Education of the North Hunterdon-Voorhees Regional HS District that the amount of \$4,291,425 is necessary to be raised by taxation in the Township General Fund; which amount shall be included in the taxes to be raised, levied and collected in the Township of Union for the General Funds of the schools.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the Municipal Clerk to the persons and departments herein named for certification purposes.

After a brief statement by Mr. Rossi, motion was made by Mr. Mazza, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. The following resolution was introduced for adoption:

RESOLUTION #2006-72

GRANT AGREEMENT BETWEEN THE TOWNSHIP OF UNION AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**GRANT IDENTIFIER:
GOVERNING BODY RESOLUTION**

The governing body of the Township of Union desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$237,362.00 to fund the following project: Development of a watershed protection plan for the Sidney Brook Watershed.

Therefore, the Township Committee of the Township of Union, County of Hunterdon, resolves that Bruce A. Rossi or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$237,362.00 and not more than \$237,362.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Township Committee of the Township of Union authorizes and hereby agrees to match \$32,050.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. \$32,050.00 of the match will be made up of in-kind services.

The Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

4. The following resolution was introduced for adoption:

**RESOLUTION #2006-73
COAH - ESCROW AGREEMENT FOR HOUSING TRUST FUND**

This Escrow Agreement made this 17th day of May, 2006, be and between the Council on Affordable Housing (COAH) and the Township of Union and PNC Bank.

WHEREAS, a municipality may impose, collect and spend development fees, payments in lieu of constructing affordable units on-site and funds from the sale of units with extinguished controls in accordance with the regulations of COAH at N.J.A.C. 5:94-6.1 et seq., and with the approval of COAH; and

WHEREAS, on March 14, 1994 COAH approved the Township of Union Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and requiring that funds shall only be applied directly toward implementation of the Township of Union's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on June 15, 1994 the governing body of the Township of Union adopted Ordinance #1994-8; Amendment #31, the Development Fee Ordinance of the Township of Union, amending the Municipal Code; and

WHEREAS, on January 17, 1997 COAH approved the Township of Union Spending Plan establishing standards for the expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls pursuant to COAH's rules; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:94-6.12; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires the Township of Union, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:94-6.11(a) to enable COAH to monitor disbursement of collected development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls and to direct expenditure of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:94-6.16(a) and the spending plan approved by COAH; and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance and approved spending plan, COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval.

NOW, THEREFORE, COAH, the Township of Union and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and the Township of Union hereby designate PNC Bank (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls collected by the Township of Union, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the Finance Office of the Township of Union consistent with the spending plan approved by COAH.

2. Escrow Account

The Township of Union shall deposit all development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as the COAH Trust Fund (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls received from the Township of Union. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by the Township of Union or any other party, (b) any other obligation owed to the escrow agent by the Township of Union or any other party, or (c) any claim which the escrow agent may have against the Township of Union or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of the township of Union as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the Finance Officer of the Township of Union, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Direction of Disbursements by COAH

COAH shall have the authority to halt disbursements by the Township of Union from the Account upon written notice to the Bank and to direct all further disbursements. COAH shall have such authority if it determines, after notice to the Township of Union, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:94-6.16(a), that Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease Disbursements from the Account, the Bank shall immediately halt disbursements by the Township of Union until further written notice from COAH. The Bank will allow disbursements by COAH on behalf of the Township of Union. COAH shall provide the Township of Union municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:94-6.16(a) occur, COAH shall be authorized on behalf of the Township of Union and consistent with its rules, to direct the manner in which all development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be expended:

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees, payments in lieu of constructing affordable units on site and funds from re-sales of units with extinguished controls within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:94-6.13(a) within the time limits imposed by COAH;
- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan;
- f. Expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls on activities not permitted by COAH;
- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. The Township of Union shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and the Township of Union, or their respective designees, at any reasonable time. The Township of Union shall provide COAH with reports on an annual basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH:

Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813
- b. If to Municipality:

Municipal Clerk and Chief Financial Officer
140 Perryville Rd.
Hampton, NJ 08827

c. If to Bank: PNC Bank
Walmart Plaza
Clinton, NJ 08809

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act and the rules of COAH set forth at N.J.A.C. 5:94-6.1 et seq., and Nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes and Mr. Mulhall. Abstain: Mr. Rossi. Motion carried.

5. The following resolution was introduced for adoption:

**RESOLUTION #2006-74
2006 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES
Paul W. Ferriero, PE; Ferriero Engineering, Inc.**

WHEREAS, the Township of Union has a need to acquire engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Paul W. Ferriero, P.E., of the firm Ferriero Engineering, Inc., 180 Main St., P.O. Box 571, Chester, NJ 07930, has completed and submitted a Business Entity Disclosure Certification which certified that Ferriero Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Ferriero Engineering, Inc. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT AGREED by and between the Township of Union and Paul W. Ferriero, P.E., of Ferriero Engineering, Inc. as follows:

1. The Engineer shall be compensated at the hourly rate for all engineering services rendered as needed or requested by the Township Committee or other Township agencies.
2. Engineering services may be performed for the Township by other principals and employees of the firm of Ferriero Engineering, Inc., under the direct supervision of Paul W. Ferriero, P.E., when Paul W. Ferriero is unavailable or when otherwise necessary and desirable.
3. This agreement shall cover the period from January 1, 2006, to December 31, 2006.
4. Paul W. Ferriero, PE agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and also part of this agreement.
6. Ferriero Engineering, Inc. will carry, at its expense, during the appointment period professional liability insurance.
7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.
8. A notice of this action shall be printed once in the official newspaper.

After clarification, motion was made by Mr. Mazza, seconded by Mr. Mulhall, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

ENGINEER'S REPORT – Mr. Bogart mentioned the following: 1) Jutland RR Crossing 2) Perryville Rd. improvements are still on schedule with the School and 3) matter(s) for Executive Session.

ATTORNEY'S REPORT – Mr. Jost mentioned the following: 1) matter(s) for Executive Session and 2) his Memorandum on the Planning Incentive Grant Program; after a brief discussion it was agreed to forward a copy of the Memo to the Environmental Commission for their review and input.

MAYOR'S REPORT – Mr. Rossi mentioned the Lease for Township owned Apt. 26B at Hoffman Park expires May 31, 2006. Mr. Haynes was in favor of retiring the apartment and explained his reasoning. Mr. Mazza mentioned there may be an issue with the septic system; he would not be willing to put money into a new system but would prefer to offer the current renter Township owned Apt. 26A. Mr. Mulhall suggested advising the renter the Lease will not be renewed with the offer for him to occupy Apt. 26A; the door/stairway needs to be fixed and the kitchen counter put back; he was in favor of not renewing the Lease, rather making the offer to the renter for him to move into Apt. 26A.

After a brief discussion, motion was made by Mrs. Dziubek, seconded by Mr. Mulhall, to repair Apt. 26A so that it would be available to Mr. Markota (renter) to move into and make the necessary repairs (door/stairway and kitchen counter) to make it suitable for living so that this gentleman can be requested to move into the new facility and to do an evaluation of the current residence (Apt. 26B) for living suitability; also to inform Mr. Markota the Township would not be renewing the current Lease; rent for Apt. 26A would be the same as for Apt. 26B. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried. Mr. Jost will write a letter advising Mr. Markota of said action.

COMMITTEE REPORT – Mr. Haynes mentioned the following: - roads to be included in the 2006 Maintenance & Road Repair Program; - Playground mulch: he obtained 3 quotes as follows:

- | | |
|--------------------------------|-------------------------|
| a) Permalife Products | \$10,350.00 for 20 tons |
| b) Advanced Mulch Systems, LLC | \$10,840.00 for 22 tons |
| c) Playsafer Rubber Mulch | \$11,800.00 for 23 tons |

Specifics of the quotes were discussed; tabled to the next meeting.

Mr. Mazza mentioned the following: - grass cutting around the buildings at Hoffman Park; - pest control. Mr. Mazza will obtain quotes for pest control/maintenance, door/staircase and kitchen counter for Apt. 26A; - Municipal Court; Mr. Mazza referred to the Court Administrator's letter, dated May 15th, regarding security along with a sketch for door location. Mrs. Dziubek and Mr. Mulhall provided additional information and suggested options for rearranging offices. Mr. Rossi mentioned his issue is he does not want to spend a lot of money and then decide to move the Court some place else. Mr. Haynes was not in favor of putting a door across the hallway.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to get a price for 36" door to be installed in the hallway. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Naye: Mr. Haynes. Motion carried.

Motion was made by Mr. Haynes, seconded by Mr. Mulhall, to have the (bullet resistant) single door installed on the Court Office (existing window where tickets are paid), as per the quote of \$5,100.00. Vote – Mrs. Dziubek, pass; Mr. Mazza, no; Mr. Haynes, yes; Mr. Mulhall, yes; Mr. Rossi, yes; Mrs. Dziubek, no. Motion carried.

COMMENTS FROM THE PUBLIC – Andy Riehl/Robert Czaskos

CLERK'S REPORT – Matter for Executive Session.

PAYMENT OF THE BILLS – Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof; seconded by Mrs. Dziubek. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

RESOLUTION EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Litigation/Potential Litigation/Personnel.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to adopt the above resolution. Vote – Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Mr. Mazza was out of the room during voting. Motion carried.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to return to the regular meeting. Vote – Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

After a brief discussion, Mr. Rossi read the following ordinance by title and introduced same for 1st reading:

ORDINANCE #2006-__

**AN ORDINANCE ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND
AUTHORIZING THE MUNICIPAL CLERK TO IMPLEMENT SAID PRACTICES WITH ALL
OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS AND
INDEPENDENT CONTRACTORS OF THE
TOWNSHIP OF UNION, HUNTERDON COUNTY, NJ**

BE IT ORDAINED by the Township Committee of the Township of Union, Hunterdon County, NJ, that:

Section 1. The Union Township Committee shall, by ordinance, establish titles for public employment by the Township of Union and salary ranges for Township employees.

Section 2. The Union Township Committee shall, by resolution, adopt and amend from time to time personnel policies and procedures including rules concerning the hiring and termination of employees, terms and conditions of employment and regulations required to comply with applicable Federal and State employment related law. The personnel policies and procedures adopted pursuant to said resolution(s) shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the Township of Union.

Section 3. The Township Clerk shall be responsible to implement and enforce the personnel practices adopted by ordinance or resolution authorized pursuant to this Section. If there is a conflict between said personnel practices and any duly adopted and lawful collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the practices adopted pursuant to this ordinance shall prevail.

Section 4. The following Sections are hereby repealed: (Reserved)

Section 5. This ordinance shall take effect immediately upon passage and publication as required by law.

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to adopt the above ordinance on 1st reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The Public Hearing will be held on June 21, 2006.

The following resolution was introduced for adoption:

**RESOLUTION #2006-75
Adopting Personnel Policies and Procedures**

WHEREAS, it is the policy of Township of Union to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township of Union has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Township of Union that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township of Union officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township of Union employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Union Township Committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Union Township Committee shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that J. Peter Jost, Township Attorney, is hereby appointed as Employment Attorney to advise the Township of Union in personnel matters.

BE IT FURTHER RESOLVED that the Municipal Clerk and all managerial/supervisory personnel are responsible for these employment practices. The Personnel Administrator and the Employment Attorney shall assist the Municipal Clerk in the implementation of the policies and procedures in this manual.

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, a motion was made by Mrs. Dziubek, seconded by Mr. Mazza, to adjourn. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Meeting adjourned at approximately 9:40 p.m.

Respectfully submitted,

K. Judith Fabian, RMC
Township Clerk